

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	
)	Case No. 1:15-cr-123
v.)	
)	Judge Travis R. McDonough
WILLIAM EDWARD TURNER)	
)	Magistrate Judge Susan K. Lee
)	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Counts One and Four of the eight-count Indictment; (2) accept Defendant's guilty plea as to the lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute and possess with intent to distribute five grams or more of methamphetamine (actual) and fifty grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B), and to Count Four; (3) adjudicate the Defendant guilty of the lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute and possess with intent to distribute five grams or more of methamphetamine (actual) and fifty grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B), and to Count Four; (4) defer a decision on whether to accept the amended plea agreement until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter (Doc. 109). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge

Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 109) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to the lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute and possess with intent to distribute five grams or more of methamphetamine (actual) and fifty grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B), and to Count Four of the Indictment is **GRANTED**;
2. Defendant's plea of guilty to the lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute and possess with intent to distribute five grams or more of methamphetamine (actual) and fifty grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B), and to Count Four is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute and possess with intent to distribute five grams or more of methamphetamine (actual) and fifty grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B), and to Count Four;
4. A decision on whether to accept the amended plea agreement is **DEFERRED** until sentencing; and

5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **June 15, 2018 at 9:00 a.m. [EASTERN]** before the undersigned.

SO ORDERED.

/s/Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**